

REMARKS

Claims 1-44 are pending in the application. Claims 1-44 have been rejected. By present amendment, claims 1, 2, 26, 29, 30, 42, and 44 have been amended, and claims 24, 25, 27, 28, and 43 have been canceled. Claims 1- 23, 26, and 29-44 remain in the application.

Claims 1-4, 6-10, 13, 22, 23, 34-36 and 39-41 stand rejected under 35 U.S.C. §102(b) as being anticipated by Broyles (U.S. Patent No. 3,049,729).

Claims 1-3, 5, 7-9, 12-15, 17, 24, 25, 29, 30, 34-36 and 41-43 stand rejected under 35 U.S.C. §102(b) as being anticipated by Propst (U.S. Patent No. 2,827,952).

Claim 11 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Broyles (U.S. Patent No. 3,049,729).

Claims 16, 24-28, 31-33, 37, and 38 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Broyles (U.S. Patent No. 3,049,729) in view of Mauro et al. (U.S. Patent No. 5,953,775).

Claims 18-20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Broyles (U.S. Patent No. 3,049,729) in view of Saputo (U.S. Patent No. 4,734,946).

Claim 21 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Broyles (U.S. Patent No. 3,049,729) in view of Saputo (U.S. Patent No. 4,734,946), as applied to claim 18, and further in view of Bellows et al. (U.S. Patent No. 6,557,191).

The rejection under 35 U.S.C. §102(b) of claim 1 as being anticipated by Broyles (U.S. Patent No. 3,049,729) and of claims 1 and 42 as being anticipated by Propst (U.S. Patent No. 2,827,952) has become moot by amendments to the claims. The amended claims 1 and 42 now include subject matter from claims 24 and 26 that is not disclosed, taught or suggested by Broyles and Propst.

Claim 1, as amended herein, recites a mattress assembly constructed substantially of plastic material, which includes a mattress foundation with a generally planar and essentially rigid top surface having an upper side and a lower side, and at least one essentially rigid sidewall, having a lower edge and at least one pair of grooves disposed on opposing portions of

the sidewall. The sidewall extends substantially along the perimeter of the lower side of the top surface, depending downward from the top surface, and defining a cavity. The mattress assembly further includes a frame assembly with a plurality of ground support members supporting the foundation, depending downward from the lower edge of the sidewall, holding the foundation above ground, and maintaining the top surface in a substantially horizontal orientation. The mattress assembly also includes one or more braces connecting opposing portions of the sidewall(s), wherein the brace has end sections configured to latchingly engage with the grooves so as to prevent outward deflection of the opposing portions of the sidewall(s).

Amended claim 42 recites a mattress foundation constructed substantially of plastic material and having substantially the same features as those recited in amended claim 1.

As mentioned above, claims 1 and 42 include features previously recited in claims 26-28, which were rejected under 35 U.S.C. §103(a) as being unpatentable over Broyles (U.S. Patent No. 3,049,729) in view of Mauro et al. (U.S. Patent No. 5,953,775). This rejection is hereby traversed and reconsideration thereof is respectfully requested in view of remarks set forth below.

The Office Action admits that Broyles fails to teach at least one brace connecting opposite portions of the at least one sidewall, the pair of grooves disposed in or on the sidewall, and the latching engagement between the brace and the grooves. The Action then cites Mauro as teaching the use of a brace connecting opposite portions of the at least one sidewall, the pair of grooves disposed in or on the sidewall, and the latching engagement between the brace and the grooves. Applicant respectfully disagrees with the Examiner's interpretation of the Mauro patent.

Mauro discloses a bedding foundation with a top deck portion, end walls and side walls. The bedding foundation may also include a support frame member adjacent the bottom face of the top deck member. The support frame member can be a lateral slat extended transversely between the two side walls, with the ends of each lateral slat being accepted by a slat brace on each of the side walls. Mauro describes the slat brace as being a U-shaped slat brace 50,51,52,53,54,55 for each lateral slat 46,47,48. As shown in FIG. 5, the slat braces 51,53,55 on one side wall 30 may be in alignment with their corresponding slat brace 50,52,54 on the other

side wall 34. Each slat brace 50,51,52,53,54,55 accepts one end of each lateral slat 46,47,48 so that the slats 46,47,48 are attached to the side walls 30,34. For further strength and stability, the ends of each lateral slat 46,47,48 may be coupled to its respective slat braces 50,51,52,53,54,55 and the side walls 30,34 by a fastener 60 such as a threaded screw. (col. 4, line 65, to col. 5, line 9). Thus Mauro discloses a screw attachment and lacks any disclosure of the latching engagement recited in amended claims 1 and 42. The U-shaped slat braces cannot latch and the slats will fail to prevent outward deflection of the opposing portions of the sidewall(s) if not in addition secured by screws. One possible implementation of a latching engagement that also prevents such outward deflection is recited in claims 26 and 44, which depend from amended claims 1 and 42, respectively.

Since Broyles and Mauro, or any of the other references of record, taken either alone or in combination, fail to disclose, teach or suggest the subject matter recited in amended claims 1 and 42, Applicant respectfully requests that the rejection of claims 1 and 42 be withdrawn. The retained dependent claims should be allowable for the same reasons that amended claims 1 and 42 are allowable.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

We believe that we have appropriately provided for fees due in connection with this submission. However, if there are any other fees due in connection with the filing of this Response, please charge the fees to our Deposit Account No. 18-1945, under Order No. SMCY-P01-085, from which the undersigned is authorized to draw.

Dated: December 29, 2004

Respectfully submitted,

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